

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM VON SMITH,	:	3:17cv2015
Petitioner		
v.	:	(Judge Munley)
	:	(Magistrate Judge Saporito)
LAUREL HARRY and	:	
PA STATE ATTORNEY GENERAL,	:	
Respondents		:

ORDER

AND NOW, to wit, this 26th day of November 2018, we have before us for disposition Magistrate Judge Joseph F. Saporito, Jr.'s report and recommendation, which proposes the dismissal of William Von Smith's petition for a writ of habeas corpus. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. Civ. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 7) is **ADOPTED**;
- 2) The petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**;
- 3) Based upon the reasoning set forth in the report and recommendation we find that the petitioner has not demonstrated a substantial showing of the denial of a constitutional right; therefore, we decline to issue a certificate of appealability; and
- 4) The Clerk of Court is directed to close this case.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court